

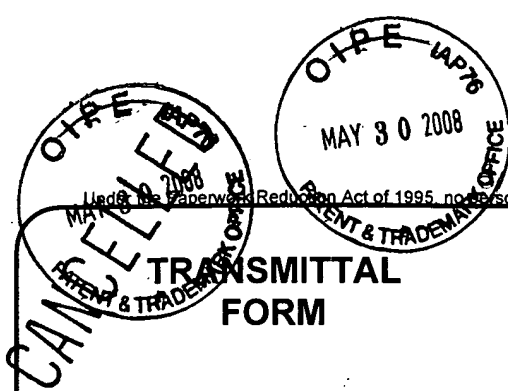
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PTO/SB/21 (09-04)

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TRANSMITTAL FORM

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Total Number of Pages in This Submission

23

Application Number	10/757,819
Filing Date	January 15, 2004
First Named Inventor	Fred J. Molz IV
Art Unit	3774
Examiner Name	Javier G. Blanco
Attorney Docket Number	MSDI-667/PC860.00

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Receipt Postcard
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Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Krieg DeVault LLP		
Signature			
Printed name	Brad A. Schepers		
Date	May 27, 2008	Reg. No.	45,431

CERTIFICATE OF TRANSMISSION/MAILING

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:)	Before the Examiner:
Fred J. Molz IV)	Javier G. Blanco
)	
Serial No.: 10/757,819)	Group Art Unit: 3774
)	
Filed: January 15, 2004)	Attorney Docket: MSDI-667/
)	PC860.00
)	
SPINAL IMPLANT CONSTRUCT AND)	
METHOD FOR IMPLANTATION)	

RESPONSE TO NON-FINAL OFFICE ACTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the non-final Office Action dated February 26, 2008, please enter and consider the following amendments and remarks. The Applicant notes that the three (3) month period for responding to the non-final Office Action was May 26, 2008, which fell on a federal holiday, thereby extending the response period to May 27, 2008 (the first business day after May 26, 2008). Please charge any additional fees which may be necessary to Deposit Account No. 12-2424, but not to include any payment of issue fees.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

May 27, 2008

Date of Deposit

Brad A. Schepers

Name of Registered Representative

Signature

May 27, 2008

Date of Signature



INTRODUCTORY COMMENTS

Claims 3-24, 27-34, 63-71, 73-85 and 87-90 were pending in the subject application for the non-final Office Action dated February 26, 2008. Claims 4, 5 and 16 have been withdrawn from consideration as being drawn to a non-elected species of the invention. The remaining claims have been rejected on various grounds. In view of the following amendments and remarks, reconsideration and allowance of the subject application are hereby requested.